IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

DALE MAISANO,)
Plaintiff,)
v.) Case No. 3:14-mc-00696
DOCTOR KENNETH MERCHANT et al.,) Judge Campbell
Defendants.)

<u>ORDER</u>

The complaint in this case was filed in an improper venue, is frivolous and fails to comply with the Order and Restraining Order entered by Senior United States District Judge Stephen M. McNamee on August 11, 1992. See Maisano v. Lewis, CIV 92-1026-PHX-SMM (MS) (D. Ariz. Aug. 11, 1992) (Order and Restraining Order). Pursuant to the Restraining Order, any "[f]ailure to comply strictly with [its] terms . . . will be sufficient ground to deny leave to file." *Id.* Because the plaintiff made no attempt with his current filing to comply with the Restraining Order, the present complaint is hereby **DISMISSED WITHOUT PREJUDICE**.

An appeal of this order would not be in good faith, and the Court will not grant leave to appeal *in forma* pauperis.

The Clerk is **DIRECTED** to assign a civil action number to this case, to enter judgment and to close the case, in accordance with Rule 58, Fed. R. Civ. P.

It is so **ORDERED**.

Todd Campbell

United States District Judge